

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
NICHOLAS ZIROGIANNIS, individually and
on behalf of a class,

Plaintiff,

- against -

SETERUS, INC.,

Defendant.
-----X

JUDGMENT
CV 15-5884 (SJF)(ARL)

**FILED
CLERK**

11/30/2016

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

An Opinion and Order of Honorable Sandra J. Feuerstein, United States District Judge, having been filed on November 28, 2016, denying Plaintiff's motions to strike portions of Defendant's memorandum of law in reply; denying Defendant's motion to dismiss the Amended Complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1); granting Defendant's motion to dismiss the Amended Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6); and directing the Clerk of Court to close this case, it is

ORDERED AND ADJUDGED that Plaintiff Nicholas Ziropiannis take nothing of defendant Seterus, Inc.; that Plaintiff's motions to strike portions of Defendant's memorandum of law in reply is denied; that Defendant's motion to dismiss the Amended Complaint for lack of subject matter jurisdiction is denied; that Defendant's motion to dismiss the Amended Complaint for failure to state a claim is granted; and that this case is closed.

Dated: Central Islip, New York
November 30, 2016

DOUGLAS C. PALMER
CLERK OF THE COURT

By: /s/ James J. Toritto
Deputy Clerk